

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

W.R. GRACE & CO., *et al.*,¹

Reorganized Debtors.

)
) Chapter 11
)
) Case No. 01-01139 (KG)
) Jointly Administered
)
)

**NORFOLK SOUTHERN RAILWAY COMPANY'S CROSS-MOTION FOR SUMMARY
JUDGMENT ALLOWING CLAIM NO. 7021**

Norfolk Southern Railway Company hereby moves for summary judgment pursuant to Federal Rule of Civil Procedure 56, made applicable to this adversary proceeding by Bankruptcy Rule 7056, allowing claim no. 7021, filed by Norfolk Southern Railway Company, in the amount of \$1,568,660.01.² There exists no genuine issue of material fact, and Norfolk Southern Railway Company is entitled to judgment as a matter of law.

In support of its motion, Norfolk Southern Railway Company has filed contemporaneously herewith *Norfolk Southern Railway Company's (I) Answering Brief in Opposition to Reorganized Debtors' Motion for Summary Judgment Pursuant to Fed. R. Bankr. P. 7056 for Partial Allowance and Partial Disallowance of Claim No. 7021 and (II) Opening Brief In Support Of Norfolk Southern's Cross-Motion For Summary Judgment.*

¹ The Reorganized Debtors are W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc., or "Grace") and W. R. Grace & Co.-Conn. ("Grace-Conn.")

² Included in this calculation are the Kirkland Settlement (\$1,500,000), litigation fees and expenses (\$61,664.66), and the balance owed on transportation services (\$6,995.35).

Dated: January 27, 2017
Wilmington, Delaware

POTTER ANDERSON & CORROON LLP



David J. Baldwin (DE Bar No. 1010)
R. Stephen McNeill (DE Bar No. 5210)
D. Ryan Slauch (DE Bar No. 6325)
1313 North Market Street, Sixth Floor
Wilmington, DE 19899-0951
Telephone: (302) 984-6000
Facsimile: (302) 658-1192

Counsel to Norfolk Southern Railway Company